

EXHIBIT A

06.21.2012 2:48PM

LEVINSON AXELROD

No. 17/3 1. 12

Levinson Axelrod, P.A.

ATTORNEYS AT LAW

302 Route 206 South and Triangle Road, Hillsborough, NJ 08844-4246
Tel: (908) 359-0110 Fax: (908) 359-0955

Jacob Levinson
(393-1986)

Robert Jay Axelrod
(393-2000)

Alfred A. Levinson
(1948-2000)

Richard J. Levinson

David T. Wheaton
Certified by the Supreme Court
of New Jersey as a Civil Trial Attorney

Ronald B. Grogel
Certified by the Supreme Court
of New Jersey as a Civil Trial Attorney

Patrick R. Caulfield
Certified by the Supreme Court
of New Jersey as a
Workers' Compensation Attorney

Richard J. Marcello
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James J. Dunn
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Mark V. Kaminski
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Adam L. Rosenberg
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of New Jersey as a Civil Trial Attorney

Brett K. Gwiner
Certified by the Supreme Court
of New Jersey as a Civil Trial Attorney

Kimberly L. Goss
Certified by the Supreme Court
of New Jersey as a Civil Trial Attorney

Tara L. Johnson
Certified by the Supreme Court
of New Jersey as a Civil Trial Attorney

Todd D. Wachtel
Certified by the Supreme Court
of New Jersey as a
Workers' Compensation Attorney

James Bayard Smith, Jr.

Kenneth M. Harrell

Matthew P. Piotrowski

Daniel J. Wilkams

Rosemary E. McGeary, M.D.

Sean M. Stricksh

Robert Y. Cook

Michael B. Fusco

Kevin Engelhard
Workers' Compensation Attorney

January 27, 2012

Clerk of Middlesex County
Court House - Law Division
56 Paterson Street
New Brunswick, New Jersey 08903-2633

Re: Frederick A. Tupkielewicz, et al. v. Fancher, et al.

Dear Sir/Madam:

Enclosed herein please find the Civil Case Information Statement
and an original and copy of the Complaint, which I desire to have filed in
the above-matter.

I have also enclosed our check in the amount of \$200.00 to cover
costs along with a self-addressed stamped envelope for your convenience

Very truly yours,

Tara L. Johnson
TARA L. JOHNSON

TLJ/nal
Enc.

FILED & RECEIVED

CHIEF CLERK

NEW JERSEY
MIDDLESEX COUNTY
CLERK OF COURT

<http://www.njlawyers.com>

File ID # 22-040630

Other Levinson Axelrod offices in Edison, Flemington, Belford, Howell, Yorked River and Jamesburg - Monroe

FEB. 21. 2012 2:49PM LEVINSON AXELROD

No. 1173 15

LEVINSON AXELROD
302 Route 206 South
Hillsborough, New Jersey 08844
908-359-0110
Attorney for Plaintiff

FREDERICK A. TOPKIELEWICZ and
FELIX O. RAMIREZ,
Plaintiff,

v.

LOUIS P. FANCHER, NEW BERN
TRANSPORT CORPORATION, PEPSI
BOTTLING GROUP, LLC, and JOHN DOES
1-10 (representing presently
unidentified individuals,
businesses, and/or corporations
who owned, operated, maintained,
supervised, designed, constructed,
repaired, and/or controlled the
vehicle in question or otherwise
employed the defendant(s).

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX
COUNTY

DOCKET NO. MID-L-1177-12

CIVIL ACTION

Complaint, Jury Demand, Demand
for Discovery of Insurance,
Notice to Produce, Demand for
Answers to Interrogatories

Plaintiffs, FREDERICK A. TOPKIELEWICZ and FELIX O. RAMIREZ,
residing at 468 West End Avenue, Apt. 5L, Borough of New
Plainfield, County of Somerset and State of New Jersey,
complaining of the defendants, say:

FIRST COUNT

1. On or about July 15, 2011, plaintiff, FREDERICK A.
TOPKIELEWICZ, was the operator and owner of a motor vehicle which
was traveling on Durham Avenue South, Township of South
Plainfield, County of Middlesex and State of New Jersey.

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RECORDS
NEW JERSEY
MIDDLESEX COUNTY
CLERK
FEB 21 2012
A 8:24
FELIX O. RAMIREZ

CV-12-0112 2:47PM LEVINSON KALEDOV

NO. 1/13 1 10

2. At the time and place aforesaid, the defendant, LOUIS P. FANCHER, was the operator of a motor vehicle owned by defendant, NEW BERN TRANSPORT CORP on behalf of defendant, PEPSI BOTTLING GROUP, LLC, traveling directly behind the plaintiff's vehicle. Defendant, LOUIS P. FANCHER, so carelessly and negligently operated his motor vehicle in such a manner that he struck the rear of plaintiff's vehicle causing the plaintiff severe personal injuries.

3. As a direct and proximate result of the negligence of the defendant, LOUIS P. FANCHER, in the operation, control, and supervision of his motor vehicle, a collision occurred and the plaintiff, FREDERICK A. TUPKIELEWICZ, was caused to suffer great pain and anguish; was caused to incur medical expenses and will in the future be caused to incur medical expenses; will be caused to suffer severe, serious and permanent injuries.

WHEREFORE, the plaintiff, FREDERICK A. TUPKIELEWICZ, demands judgment against the defendants, LOUIS P. FANCHER, NEW BERN TRANSPORT CORP, and PEPSI BOTTLING GROUP, LLC jointly and severally, for damages, interest and costs of suit and any other remedy this Court deems just.

SECOND COUNT

1. Plaintiff, FREDERICK A. TUPKIELEWICZ, repeats and realleges each and every allegation contained in the First Count and makes them a part herein.

Feb. 21. 2012 2:49PM

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No. 1773 1. 17

2. At the time and place aforesaid, the defendants, JOHN DOES 1-10 (representing presently unknown persons), operated a motor vehicle on Durham Avenue South, Township of South Plainfield, County of Middlesex and State of New Jersey.

3. At the time and place aforesaid, the defendants, JOHN DOES 1-10 (representing presently unknown persons), negligently and/or carelessly operated their motor vehicle and as a direct result of their negligence, caused it to strike the plaintiff, FREDERICK A. TUPKIELEWICZ.

4. As a direct and proximate result of the negligence of the defendants, JOHN DOES 1-10 (representing presently unknown persons), in the operation, control, maintenance, repair and supervision of their motor vehicle, defendants carelessly and recklessly operated their motor vehicle so as to strike the plaintiff causing the plaintiff to sustain injuries; was caused to suffer great pain and anguish and will, in the future, be caused to suffer pain and anguish; was caused to incur medical expenses and will in the future be caused to incur medical expenses; has been and will be in the future disabled and prevented from attending to his necessary affairs and business.

WHEREFORE, the plaintiff, FREDERICK A. TUPKIELEWICZ, demands judgment against the defendants, JOHN DOES 1-10 (representing presently unknown persons), for damages, interest and costs of suit.

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THIRD COUNT

1. Plaintiff, FREDERICK A. TUPKIELEWICZ, repeats and realleges each and every allegation contained in the First and Second Count and makes them a part herein.

2. Plaintiff alleges there was a breach of motor vehicle and other statutes and this constitutes a statutory tort.

WHEREFORE, plaintiff, FREDERICK A. TUPKIELEWICZ, demands judgment against the defendants, LOUIS P. FRANCHER, NEW HERN TRANSPORT CORP, PEPSI BOTTLING GROUP, LLC, and JOHN DOES -10 (representing presently unknown persons), jointly and severally, for damages, interest and cost of suit and any other remedy this Court deems just.

FOURTH COUNT

1. Plaintiffs repeat and reallege each of the allegations of the prior Counts as if set forth herein at length and make same a part hereof.

2. Plaintiff, FELIX O. RAMIREZ, is the lawful civil union spouse of plaintiff, FREDERICK A. TUPKIELEWICZ.

3. As a result of the injuries sustained by the plaintiff, FREDERICK A. TUPKIELEWICZ, plaintiff, FELIX O. RAMIREZ, has, and in the future will be, caused to expend monies for medical treatment of the plaintiff, has and in the future will suffer the loss of services and society of the plaintiff, FREDERICK A. TUPKIELEWICZ.

REV. 21. 2012 2:49PM LEVINSON AXELROD

No. 1773 19

WHEREFORE, plaintiffs, FREDERICK A. TUPKIELEWICZ and FELIX O. RAMIREZ, demand judgment against the defendants for damages, interest, plus costs of suit on this Court.

JURY DEMAND

Pursuant to R.4:35-1, plaintiffs hereby demand a trial by jury on all issues of the within matter.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R.4:25-4, Tara L. Johnson, Esq., is hereby designated as trial counsel in the within matter for the firm of Levinson Axelrod, P.C., attorneys for plaintiffs.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to R.4:10-2(b), demand is hereby made that defendants disclose to plaintiff's attorneys whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment and provide plaintiffs' attorneys with true copies of such insurance agreements or policies including, but not limited to, any and all declaration sheets. This demand shall be deemed to include and cover not only primary coverage but also any and all excess, catastrophe and umbrella policies.

NOTICE TO PRODUCE

Pursuant to R. 4:18-1, plaintiffs hereby demand that the defendant produce the following documents at this office within thirty (30) days, as prescribed by the Rules of Court. And-

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tionally, please be advised that the following requests are ongoing and continuing in nature and the defendants are therefore required to continuously update their responses thereto as new information or documentation comes into existence.

Documents Requested

1. The amounts of any and all insurance coverage covering the defendants, including but not limited to, primary insurance policies, secondary insurance policies and/or umbrella insurance policies. For each such policy of insurance, supply a copy of the declaration page therefrom.
2. Copies of any and all documentation or reports, including but not limited to, police reports, accident reports and/or incident reports concerning the happening of the accident in question or any subsequent investigation of same.
3. Copies or duplicates of any and all photographs, motion pictures, videotapes, films, drawings, diagrams, sketches or other reproductions, descriptions or accounts concerning the individuals involved in the incident in question, the property damage sustained, the accident scene, or anything else relevant to the incident in question.
4. Copies of any and all signed or unsigned statements, documents, communications, and/or transmissions, whether in writing, made orally or otherwise recorded by any mechanical or electronic means, made by any party to this action, any witness,

Feb. 21, 2012 2:49PM LEVINSON AXLEROD

No. 1773 21

or any other individual, business, corporation, investigative authority or other entity concerning anything relevant to the incident in question.

5. Copies of any and all documentation, including but not limited to, any contracts between the owner of the property or product involved in the incident in question and any of the parties involved in this matter.

6. Copies of any and all documentation, including but not limited to safety manuals, statutes, rules, regulations, books, and/or industry standards which refer to, reflect or otherwise relate to the incident in question or any potential defense to the action in question.

7. Copies of any and all discovery received from any other parties to the action in question.

8. Copies of any and all reports on the plaintiff received by the defendants, or any other party to this suit, from either the Central Index Bureau (C.I.B.) or from any other source.

9. Copies of any and all medical information and/or documentation concerning the plaintiff in this matter whether it concerns any medical condition or treatment which took place before, during or after the time of the accident in question.

10. Copies of any and all records of any type subpoenaed by the defendants or received from any other source concerning the plaintiff or the accident in question.

FEB. 21. 2012 2:49PM LEVINSON AXELROD

No. 1773 22

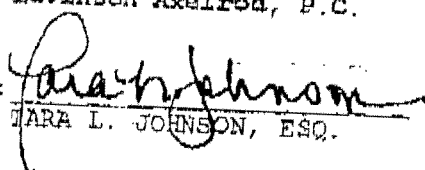
Please be advised that plaintiffs hereby object to the taking of any photographs, x-ray films or other reproductions concerning the plaintiff or the plaintiff's injuries at the time of the defense examination.

DEMAND FOR ANSWERS TO INTERROGATORIES

Demand is hereby made on the defendant to answer fully and responsively, Form C and Form C(1) Uniform Interrogatories, found in Appendix II as provided by R. 4:17-1(b)(ii) and other applicable Rules of Court. Demand is hereby made that Defendant answer the attached Supplemental Interrogatories as prescribed by the Rules of Court.

Levinson Axelrod, P.C.

By:


TARA L. JOHNSON, ESQ.

Dated: February 1, 2012

FEB. 21. 2012 2:49PM LEVINSON AXELROD

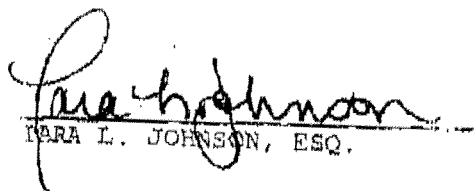
No. 11/3 23

CERTIFICATION PURSUANT TO R. 4:5-1

I, TARA L. JOHNSON, of full age, do hereby certify:

1. I am an attorney at law of the State of New Jersey, and am an attorney in the law firm of Levinson Axelrod, attorneys for the plaintiffs in the above-captioned matter.

2. To the best of my knowledge, information and belief, there is no other action pending about the subject matter of this Complaint in any Court or arbitration proceeding.


TARA L. JOHNSON, ESQ.

Dated: February 1, 2012 .

SUPPLEMENTAL INTERROGATORIES

1. Did you observe the Plaintiff's vehicle prior to the accident set forth in the complaint served upon you?
2. If the answer to number one is in the affirmative, then please set forth the length of time from the first point you saw the Plaintiff's vehicle until the impact occurred.
3. At the moment of impact, set forth the speed of the Defendant's and Plaintiff's vehicle involved in this accident.
4. Set forth whether the Defendant operator was charged with a motor vehicle violation arising out of this accident set forth in the complaint served upon him/her.
5. If the answer to number four is in the affirmative, then what plea did the Defendant make on each charge given as a result of this accident?
6. Did you review the police report that was generated as a result of this accident?
7. If the answer to number six is in the affirmative, then please advise whether or not the police report is accurate and if not, in what ways is the police report inaccurate or incomplete.
8. Were there any obstructions to your view at the time and location of the accident set forth in the complaint served upon you?
9. If the answer to number eight is in the affirmative, then set forth a description of the obstruction and the location of the obstruction to the accident scene.
10. If you have retained the services of an expert in this matter, set forth:
 - (a) The expert's name and address;
 - (b) Attach a copy of the expert's report;
 - (c) Set forth the subject matter on which any expert you have retained or may retain is expected to testify;
 - (d) Set forth the substance of the facts and opinions to which the expert you have retained or may retain is expected to testify;

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(e) Set forth a summary of the grounds for each opinion to which any expert you have retained or may retain is expected to testify;

(f) If the expert will rely upon any reports from any individuals, texts or any information whatsoever, please set forth, specifically, and make it available.


(g) Whether the expert is relying or has relied upon any manuals, treatises or other writings in forming an opinion, and if so, identify all such documents.

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Appendix XI-B1

CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
 <p>Use for Initial Law Division Civil Part pleadings (not motions) under Rule 4:6-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed</p>		PAYMENT TYPE: <input type="checkbox"/> JCK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO.: AMOUNT: OVERPAYMENT: BATCH NUMBER:	
ATTORNEY/PRO SE NAME Tara L. Johnson, Esq.	TELEPHONE NUMBER (808) 358-0110	COUNTY OF VENUE Middlesex	
FIRM NAME (if applicable) Levinson Axelrod, PA	DOCKET NUMBER (when available) MID-L-977 12		
OFFICE ADDRESS 302 Route 206 South Hillsborough, NJ 08844	DOCUMENT TYPE Complaint		
NAME OF PARTY (e.g., John Doe, Plaintiff) Frederick A. Tupkielewicz, et al., Plaintiffs		JURY DEMAND <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
CAPTION Tupkielewicz, et al. v. Louis P. Fancher, et al.			
CASE TYPE NUMBER (See reverse side for listing) 603N	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:33A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT. IF YES, LIST DOCKET NUMBERS		
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (specify): <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
<div style="text-align: right;"> CIVIL RECORDS NJ SUPERIOR COURT CLERK'S OFFICE 2012 FEB 6 A 24 </div>			
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and I will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).			
ATTORNEY SIGNATURE: <i>Tara L. Johnson</i>			

FEB 21 2012 2:48PM

LEVINSON AXLEROV

No. 11/3

14



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 160 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 309 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 FIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 521 SUMMARY ACTION
- 522 OPEN PUBLIC RECORDS ACT (summary action)
- 900 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 500 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 600 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge - 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Centrally Managed Litigation (Track IV)

- 260 ZELNORM
- 265 STRYKER TRIDENT HIP IMPLANTS
- 266 PRUDENTIAL TORT LITIGATION
- 248 GIBA GEIGY
- 268 HORMONE REPLACEMENT THERAPY (HRT)
- 271 ACCUTANE
- 274 RISPERDAL/SEROQUEL/ZYPREXA
- 275 ORTHO EVRA
- 277 MAHWAH TOXIC DUMP SITE
- 278 ZOMETAVAREXIA
- 279 GADOLINIUM

- 280 POMPTON LAKES ENVIRONMENTAL LITIGATION
- 281 PELVIC MESH/GYNOCARE
- 292 PELVIC MESH/BARD

- 281 BRISTOL-MYERS-SQUIBB ENVIRONMENTAL LITIGATION
- 282 FOSAMAX
- 283 DIGITEK
- 284 NUVARING
- 286 LEVADUIN
- 287 YAZ/YASMIN/OCELLA
- 601 ASBESTOS

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics".

Please check off each applicable category

☐ Putative Class Action

☐ Title 59

EXHIBIT B

INGENIX.

12125 Technology Drive MN002-0220 | Eden Prairie, MN 55344
March 15, 2012

Confidential

Sedgwick Cms
Claims
PO BOX 14520
LEXINGTON, KY 40512

RE: Your Insured: PEPSI BOTTLING GROUP
 Your Claim Number: BI 64637332-0002-02
 Injured Party: Frederick Tupkielewicz
 Date of Injury: 07/15/2011
 Group: AT&T, #000710712
 Our File Number: 14522264

Dear Claims,

This letter is a follow up to our prior communications. Ingenix Subrogation Services has been retained to pursue a recovery for the medical benefits that have been paid arising out of the above captioned injury.

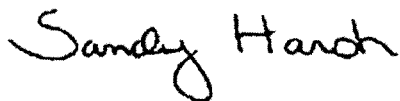
To date, medical benefits in the amount of \$87,821.89 have been paid on behalf of Frederick Tupkielewicz for the treatment of injuries sustained. The amount of paid benefits may increase. **Please contact us prior to settlement to obtain the total amount of paid benefits. Also, please include Ingenix on the settlement draft at the time of settlement.**

Please note that the health plan is governed by the federal Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §1001, et seq.

Please advise Ingenix Subrogation Services of the current status of this matter.

Thank you.

Sincerely,



Sandra Harsh
Senior Analyst
Phone: 952.942.7495
Fax: 800.708.3134



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EXHIBIT C

FEB. 21, 2012 2:40PM LEVINSON AXELROD
MIDDLESEX VICINAGE CIVIL DIVISION
P O BOX 2633
55 PATERSON STREET
NEW BRUNSWICK NJ 08903-2633

No. 1773 1 11

COURT TELEPHONE NO. (732) 519-3728
COURT HOURS

TRACK ASSIGNMENT NOTICE

DATE: FEBRUARY 10, 2012
RE: TUPKIELEWICZ FREDERICK A VS PANCHER LOUIS P
DOCKET: MID L -000977 12

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON ARTHUR BERGMAN

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003
AT: (732) 519-3745 EXT 3745.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: TARA L. JOHNSON
LEVINSON AXELROD PC
302 ROUTE 206 SOUTH
HILLSBOROUGH NJ 08844-4635

JUMTHIO

Feb. 29. 2012 8:40AM

LEVINSON AXLEROD

No. 2110 4/6

Levinson Axelrod, P.A.

ATTORNEYS AT LAW

302 Route 206 South and Triangle Road, Hillsborough, NJ 08844-4246
Tel: (908) 359-0110 Fax: (908) 359-0955

Rec'd 3/1/12
by process server.
pmd

February 28, 2012

Jacob Levinson
(1934-1988)
Robert Jay Axelrod
(1961-2000)
Aifred A. Levinson
(1943-2006)

Via Hand Delivery
New Bern Transport Corp.
1 Pepsi Way
Somers, NY 10589-2212

Re: Frederick A. Tupkielewicz, et al. v. Fancher, et al.
Docket No.: MID-L-977-12

Dear Sir/Madam:

Enclosed herein please find a copy of the Summons and Complaint, TAN and Demand for Discovery of Insurance Coverage in connection with the above matter.

Service is being made upon you by virtue of N.J. Rule 4:4-4(c).

Under the laws of New Jersey, you have thirty-five (35) days in which to file an Answer to said Complaint or a default judgment may be entered against you. I suggest you turn these papers over to your insurance carrier or personal attorney.

Very truly yours,

Tara L. Johnson
TARA L. JOHNSON

James Bayard Smith, Jr.
Kenneth M. Harrell
Certified by the Supreme Court
of New Jersey as a Civil Trial Attorney
Matthew P. Pietrowski
Daniel J. Williams
Rosemary E. McGeady, M.D.
Sean M. Strickak
Robert Y. Cook
Michael B. Fusco
Brett J. O'Brien

TLJ/nal
Enc.

Kevin Engelhard
Workers' Compensation Manager

Tel: (908) 22-1263878

<http://www.njlawyers.com>

Other Levinson Axelrod offices in Edison, Flemington, Belford, Howell, Forked River and Jamesburg, Monroeville

1200
+462
1662
127
39
1462
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Feb. 29. 2012 8:40AM LEVINSON AXLEROD

No. 2110 5/6

LEVINSON AXELROD
302 Route 206 South
Hillsborough, New Jersey 08844
908-359-0110
Attorney for Plaintiff

FREDERICK A. TOPKIRLEWICZ and
FELIX O. RAMIREZ,
Plaintiff,

v.

LOUIS P. FANCHER, NEW BERN
TRANSPORT CORPORATION, PEPSI
BOTTLING GROUP, LLC, and JOHN DOES
1-10 (representing presently
unidentified individuals,
businesses, and/or corporations
who owned, operated, maintained,
supervised, designed, constructed,
repaired, an/or controlled the
vehicle in question or otherwise
employed the defendant),
Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX
COUNTY
DOCKET NO.: MID-L-977-12

CIVIL ACTION

Summons

THE STATE OF NEW JERSEY, TO THE ABOVE NAMED DEFENDANT(S):

New Bern Transport Corporation

YOU ARE HEREBY SUMMONED in Civil Action in the Superior Court of New Jersey, instituted by the above named plaintiff(s), and required to serve upon the attorney(s) for the plaintiff(s), whose name and office address appears above, an answer to the annexed complaint within 35 days after the service of the summons and complaint upon you, exclusive of the day of service. If you fail to answer, judgment by default may be rendered against you for the relief demanded in the complaint. You shall promptly file your answer and proof of service thereof in duplicate with the Clerk of the Superior court, CN-971, Trenton, New Jersey 08625, in accordance with the rules of civil practice and procedure.

If you cannot afford to pay an attorney, call a Legal Services Office. An individual not eligible for free legal assistance may obtain a referral to an attorney by calling a county lawyer referral service. These numbers may be listed in the yellow pages of your phone book or may be obtained by calling the New Jersey State Bar Association Lawyer Referral Service toll-free 800-792-8315 (within New Jersey) or 609-394-1101 (from out of the state). The phone numbers for the county in which this action is pending are: Lawyer Referral Service, (908) 688-2323 or Legal Services Office at (908) 231-0840.

Dated: February 28, 2012

/s/ Jennifer M. Perez
JENNIFER M. PEREZ
Acting Clerk of the Superior Court

Name of Defendant to be served:

New Bern Transport Corp.
1 Pepsi Way
Somers, NY 10589-2212

Feb. 29, 2012 8:40AM

LEVINSON AXLEROD

No. 2110 1. 6/6

SUPERIOR COURT CLERKS

Atlantic County Clerk
Atlantic County Civil Courthouse
1201 Bacharach Boulevard, First Floor
Atlantic City, New Jersey 08401

Bergen County Clerk
Bergen County Case Processing Section
119 Justice Center
Ten Main Street
Hackensack, New Jersey 07601-0760

Burlington County Clerk
Courts Facility, First Floor
49 Rancocas Road
Post Office Box 655
Mount Holly, New Jersey 08060

Camden County Clerk
Civil Processing Office
Hall of Justice, First Floor
161 South Fifth Street
Camden, New Jersey 08103

Cape May County Clerk
Cape May Superior Court
Four Moore Road, DN 203
Nine North Main Street
Cape May, New Jersey 08210

Cumberland County Clerk
Cumberland County Civil
Case Management Office
Post Office Box 615
Bridgeton, New Jersey 08302

Essex County Clerk
237 Hall of Records
465 Martin Luther King, Jr. Boulevard
Newark, New Jersey 07102

Gloucester County Clerk
Gloucester County Courthouse
Civil Case Management Office
One North Broad Street, First Floor
Woodbury, New Jersey 08096

Hudson County Clerk
Civil Records Department
Brennan Courthouse, First Floor
583 Newark Avenue
Jersey City, New Jersey 07306

Hunterdon County Clerk
Civil Division Office
Hall of Records
71 Main Street
Flemington, New Jersey 08822

Mercer County Deputy Clerk
Mercer County Courthouse
209 South Broad Street
Post Office Box 8068
Trenton, New Jersey 08650

Middlesex County Clerk
Superior Court, Law Division
Administration Building, Third Floor
Post Office Box 2638
New Brunswick, New Jersey 08903-2638

Monmouth County Clerk
Monmouth County Courthouse
71 Monument Park, West Wing
Post Office Box 1253
Freehold, New Jersey 07728-1252

Morris County Clerk
Morris County Civil Division
Post Office Box 910
Morristown, New Jersey 07963-0910

Ocean County Clerk
119 Courthouse
118 Washington Street
Toms River, New Jersey 08754

Passaic County Clerk
Passaic County Courthouse
Civil Division Office
77 Hamilton Street
Paterson, New Jersey 07505

Salem County Clerk
92 Market Street
Post Office Box 18
Salem, New Jersey 08079

Somerset County Clerk
Somerset County Courthouse
Civil Division Office, Third Floor
Post Office Box 3000
Somerville, New Jersey 08876

Sussex County Clerk
Sussex County Civil Division
Judicial Center
43-47 High Street
Newton, New Jersey 07860

Union County Deputy Clerk
Union County Courthouse
Two Broad Street, Room 107
Post Office Box 6073
Elizabeth, New Jersey 07207-6703

Warren County Clerk
Warren County Courthouse
Civil Division Office
413 Second Street
Belvidere, New Jersey 07823-1500